

police department and police car is used to accompany, precede or follow any vehicle used in moving any building or other structure for the purpose of directing or regulating traffic, and at the rate of not less than two dollars and fifty cents (\$2.50) per hour for such time as any member of the department of public works is used to trim, cut or hold up trees or foliage along the route of such moving operation, and shall also accompany such application by proof that any such applicant has in full force and effect insurance in a corporation duly licensed to issue such insurance in the state insuring against public liability in the sum of fifty thousand dollars (\$50,000.00) for bodily injury or death to one person and one hundred thousand dollars (\$100,000.00) for bodily injuries or deaths arising out of such operation, and fifty thousand dollars (\$50,000.00) for damages to property of any person and fifty thousand dollars (\$50,000.00) of aggregate liability for damage to property generally, including any damage to streets, curbs or sidewalks in this city, such insurance to remain in effect until thirty (30) days after the completion of such moving operation and the opportunity for the director of public works to ascertain if any damage to any such street or public thoroughfare has occurred by reason thereof. (Code 1961, § 23.13)

Sec. 22-43. Determination of route; permit issuance.

Upon compliance by an applicant with the provisions of section 22-42, the city clerk shall obtain from the chief of the Belmont Fire District a statement of the route or course to be used, and shall transmit the same to the applicant who shall follow such course. The city clerk shall thereupon issue a permit for such moving operation, which shall designate the house or houses to be moved, the route to be used in such moving operation and the approximate date and times for such moving operation, which shall be as nearly as possible during hours when traffic will not be substantially affected. No such permit shall be issued for the moving of any house along or over any blind or dead-end street or portion thereof upon which any building or structure faces, except by written consent of the police and fire departments. (Code 1961, § 23.14)

Sec. 22-44. Designation of supervising officers.

Upon the issuance of a permit required by this article, the city clerk shall designate one or more officers of the city police department in his discretion and one or more members of the street department, if appropriate, in his discretion, to accompany, precede or follow any vehicle so engaged in moving a building or other structure from the point where such moving operation starts within the city to the destination of such building or structure. (Code 1961, § 23.14)

Sec. 22-45. Use of deposit.

The city clerk shall keep a record of the time of each officer or employee of the city whose services are designated to be rendered in connection with any moving operation, and shall charge the applicant with the sum per hour for each such officer or employee prescribed by section 22-42, and deduct the same from such deposit made by such applicant. Upon the completion of the moving operation, the city clerk shall, within three (3) days, return to the applicant from his deposit any balance remaining therein, and the remainder thereof shall be deposited in the city treasury. (Code 1961, § 23.15)

Sec. 22-46. Trimming trees along route.

If any such moving operation necessitates or renders more convenient the trimming or cutting of any trees or limbs of trees or foliage to permit such building or other structure to be moved along the route appropriate therefor, the applicant for such permit shall furnish to the city clerk written evidence of the consent of the owner of any such tree or foliage to the cutting or trimming that may be necessary or appropriate to permit such building or other such structure to pass along the route to be used by the applicant. (Code 1961, § 23.16)

Secs. 22-47—22-57. Reserved.

ARTICLE IV. GAS TAX IMPROVEMENT FUND

Sec. 22-58. Created.

To comply with the provisions of section 2113 of the Streets and Highways Code, there

is created in the city treasury a special fund to be known as the "special gas tax street improvement fund."

(Code 1961, § 2.61)

Sec. 22-59. Moneys to be paid into fund.

All moneys received by the city from the state under the provisions of the Streets and Highways Code for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets or highways, other than state highways, shall be paid into the fund. (Code 1961, § 2.62)

Sec. 22-60. Expenditures of moneys in fund.

All moneys in the fund created by this article shall be expended exclusively for the purposes authorized by, and subject to all of the provisions of the Streets and Highways Code. (Code 1961, § 2.63)

ARTICLE V. CONSTRUCTION OF CURBS AND GUTTERS*

Sec. 22-61. Scope of this article; definitions.

(a) This article shall not apply to construction of curbs and gutters for new building construction and development or to maintenance of existing curbs and gutters.

(b) *Block* means property facing one (1) side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street. *Street* does not include an alley or other right-of-way unless it is of the same width as a regular residential minimum width street. In the case of an alley, *block* means property facing both sides of any alley between the next intersecting streets or alleys, or between the terminus of an alley and an intersecting street.

***Editor's note**—Section 1 of Ord. No. 909, adopted September 24, 1996, added §§ 22-60—22-79 to be included in this Code. To keep from duplicating section numbers, said sections have been renumbered as §§ 22-61—22-80 as herein set out.

(c) *Cost* and *construction cost* or variants thereof, means and includes both the actual cost of construction of the work, design and inspection and incidental expenses, as defined in this article. (Ord. No. 909, § 1, 9-24-96)

Sec. 22-62. Duty to construct.

A duty to construct or cause the construction of curbs and gutters in front of their properties shall arise:

(a) When the director of public works or his/her designee finds that curbs and gutters have been constructed, or that their construction has been guaranteed to his satisfaction, in front of properties constituting more than fifty (50) percent of the frontage in any block; or

(b) Where a petition signed by the owners of more than sixty (60) percent of the front footage of the block has been filed with the city clerk requesting the installation of such improvements; or

(c) Whenever the city council of the city upon its own motion has ordered the installation of such improvements. (Ord. No. 909, § 1, 9-24-96)

Sec. 22-63. Notice to construct.

(a) The director of public works or his/her designee shall, upon the instructions of the city council, notify the owner or person in possession of the property fronting on that portion of the street in such block in which no curbs and gutters have been constructed theretofore, to construct or cause to be constructed curbs and gutters in front of his or her property. The city shall also notify the owner or person in possession that he/she shall be entitled to a fifty (50) percent cost reimbursement, based on city cost estimates, if the work is part of a city-sponsored project undertaken at the council's direction. No reimbursement shall be paid if the work is undertaken pursuant to an owner initiated petition to the city.

(b) Notice to construct may be given by delivering a written notice personally to the owner or to the person in possession of the property facing upon the curbs and gutters to be constructed or by mailing a postal card, postage prepaid, to the